

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JESS AARON RITZ,

Plaintiff,

Case No. 14-cv-13038

v

Honorable Thomas L. Ludington
Magistrate Judge Elizabeth A. Stafford

CAROLYN W. COLVIN, acting
Commissioner of social security,

Defendant.

**ORDER ADOPTING THE REPORT AND RECOMMENDATION, DENYING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT, AND AFFIRMING THE DECISION OF THE
COMMISSIONER**

Plaintiff Jess Aaron Ritz, a 36-year-old father of two, filed applications for Disability Insurance Benefits and Supplemental Security Income on October 25, 2011 alleging disability. After the claims were initially denied, Ritz timely requested an administrative hearing, which was held on February 12, 2013. On March 1, 2013 the ALJ issued a written decision finding Ritz not disabled. Ritz then filed appealed to this Court on August 5, 2014, alleging that he should have been found disabled and entitled to receive benefits due to the following ailments: (1) status post left ankle fracture with open reduction internal fixation; (2) avascular necrosis of the right hip and left hip; (3) attention deficit disorder/attention deficit hyperactivity disorder; and (4) gout.

Plaintiff Ritz filed a motion for summary judgment on April 28, 2015. ECF No. 18. Defendant Commissioner then filed a motion for summary judgment on May 11, 2015. ECF No. 19. On December 23, 2015, Magistrate Judge Elizabeth A. Stafford issued a report and recommendation. ECF No. 22. Reviewing the Commissioner's decision under a "substantial

evidence” standard, the magistrate judge determined that the ALJ’s determination that Ritz is not disabled was supported by substantial evidence in the record. *Id.* The magistrate judge therefore recommended that Ritz’s motion for summary judgment be denied, Defendant Commissioner’s motion for summary judgment be granted, and the Commissioner’s decision be affirmed.

Although the magistrate judge’s report explicitly stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the magistrate judge’s report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge’s report and recommendation, ECF No. 22, is **ADOPTED**.

It is further **ORDERED** that Plaintiff Jess Aaron Ritz’s motion for summary judgment, ECF No. 18, is **DENIED**.

It is further **ORDERED** that Defendant Commissioner’s motion for summary judgment, ECF No. 19, is **GRANTED**.

It is further **ORDERED** that the Commissioner of Social Security’s decision is **AFFIRMED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 4, 2016

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 4, 2016.

s/Michael A. Sian
MICHAEL A. SIAN, Case Manager